

REMARKS

This is intended as a full and complete response to the Final Office Action dated September 25, 2003, having a shortened statutory period for response extended three months set to expire on March 25, 2004. Claims 1-24 and 26-33 were examined. Claims 29 and 30 were cancelled. Claims 34 and 35 have been added. Please reconsider the claims pending in the application for reasons discussed below.

Specification

The Examiner states that the specification fails to contain headings as provided in 37 CFR 1.77(b). In response, Applicant has amended the specification to add the appropriate headings. Applicant respectfully requests the amendments to the specification be entered.

Claim Objections

The Examiner has objected to claim 33 due to informalities. In response, Applicant has amended claim 33. Therefore, Applicant respectfully requests the objection to the claims be removed.

Rejections Under 35 U.S.C. § 103

The Examiner rejected claims 1, 13, and 27 under 35 U.S.C. § 103(a) as being unpatentable over USPN 3,846,795 to *Jones*. In response, Applicant respectfully traverses the rejection.

Claims 1, 13, and 27 recite the limitation of a failure element being made of a material which fails in the event of a chemical leak. *Jones* does not teach a failure element made of a material which fails in the event of a chemical leak. Rather, *Jones* teaches a failure element made from a structural material which fails due to corrosion. Nowhere does *Jones* disclose a failure element made of a material which fails in the event of a chemical leak. *Jones*, therefore fails to teach or suggest all the elements recited in claims 1, 13, and 27. This failure precludes *Jones* from rendering claims 1, 13 and 27 obvious. For these reasons, Applicant submits that claims 1, 13, and 27 are in condition for allowance and respectfully requests withdrawal of the § 103(a) rejection of claims 1, 13 and 27.

The Examiner rejected claims 2–6, 8-12, 14-19, 21-24, 26, and 27 as being unpatentable over *Jones*. Claims 2-6, 8-12, 14-19, 21-24, 26, and 27 depend from allowable claims 1, 13 and 27 and are allowable for at least the same reasons as claims 1, 13, and 27. Applicant therefore respectfully requests withdrawal of the § 103(a) rejection of claims 2-6, 8-12, 14-19, 21-24, 26, and 27 and allowance of those claims.

The Examiner has rejected claims 7 and 20 under 35 U.S.C. § 103(a) as being unpatentable over *Jones* in view of European Patent Application No. 0 370 685 to *Beard, et al.* (hereinafter *Beard*). In response, Applicant respectfully traverses the rejection.

Claims 7 and 20 depend from allowable claims 1 and 13 and are allowable for at least the same reasons as claims 1 and 13. Applicant therefore respectfully requests withdrawal of the § 103(a) rejection of claims 7 and 20 and allowance of those claims.

The Examiner has rejected claims 31 and 32 under 35 U.S.C. § 103(a) as being unpatentable over USPN 4,710,353 to *Tanaka, et al.* (hereinafter *Tanaka*) in view of *Jones*. In response, Applicant respectfully traverses the rejection. The Examiner has failed to provide a motivation to combine the cited references and therefore has not established a *prima facie* case of obviousness.

Tanaka discloses a detector comprising a light guide core having a covering which generates heat upon contact with a liquid to be detected, thereby changing the light transmissivity of the light guide. In other words, *Tanaka* relies on a selective blockage of light to an optical fiber as an indicator of a liquid. On the other hand, as previously discussed, *Jones* relies on the failure of a structural element as an indicator of corrosives. For this reason, one ordinarily skilled in the art would have no motivation use the structural device, as taught by *Jones*, for use of detecting a chemical leakage, disclosed by *Tanaka*, in order to have an alternative means of detecting corrosion/leakage since the devices disclosed by *Jones* and *Tanaka* are not art equivalents of one another. Without a motivation to combine, *Jones* and/or *Tanaka* can not render claims 31 and 32 obvious. For these reasons, Applicant submits that claims 31 and 32 are in condition for allowance and respectfully request withdrawal of the § 103(a) rejection.

Allowable Subject Matter

The Examiner objected to Claims 29, 30, and 33 as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. Applicant submits that claims 29 and 30 have been rewritten as new claims 34 and 35. Furthermore, Applicant notes that claim 33 is currently in independent form. Therefore, Applicant respectfully requests that claims 33-35 be allowed.

CONCLUSION

The references cited by the Examiner, alone or in combination, do not teach, show, or suggest the invention as claimed.

The secondary references made of record are noted. However, it is believed that the secondary references are no more pertinent to the Applicant's disclosure than the primary references cited in the Final Office Action. Therefore, Applicant believes that a detailed discussion of the secondary references is not necessary for a full and complete response to this Final Office Action.

Having addressed all issues set out in the Final Office Action, Applicant respectfully submits that the claims are in condition for allowance and respectfully request that the claims be allowed.

Respectfully submitted,



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